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| Policy Title: | 3.7 Disciplinary Procedures | | |
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3.7-4 Disciplinary System

A relationship of trust and confidence between the RCSO and the community is essential to effective law enforcement. Employees must be free to exercise their own good judgment and take enforcement action in a reasonable, lawful and impartial manner without fear of reprisal. It is, therefore, important to establish a disciplinary process which enables the RCSO to initiate positive corrective action for improper conduct, while at the same time protecting employees from unwarranted criticism for properly discharging their duties. Issues regarding employee conduct will be reviewed in a thorough, fair and expeditious manner.

Authority in Discipline Matters - The Chief Deputy and Colonel confer with the Sheriff on all disciplinary matters. The Sheriff has the ultimate authority for any and all disciplinary actions involving employees. Division commanders are strongly encouraged to have their supervisors handle most disciplinary issues and submit recommendations to the Colonel or Chief Deputy under the guidelines listed below. The Chief Deputy will decide at what level the investigation should be done on issues involving Internal Affairs investigations and allegations of misconduct and confer with the Sheriff. Personnel handling disciplinary issues should remember that their subordinates are presumed innocent until proven guilty.

Definitions

Serious Allegation of Misconduct - Serious complaints, which include brutality, excessive use of force, complaints which allege racial/ethnic prejudice, misappropriation of money/property, illegal acts or complaints alleging acts of moral turpitude.

Minor Allegations of Misconduct - All minor complaints are not listed in this directive, but include those allegations, which, if sustained, would be appropriately disciplined through the imposition of summary punishment.

Brutality - Considered the use of excessive or unjustified physical force by a deputy in the exercise of official duties under color of law.

Summary Punishment - Disciplinary action implemented which may be imposed when the facts constituting the offense are not in question, and does not exceed 2 days suspension.

Disciplinary Probation - Those employees on disciplinary probation will not have due process rights nor be eligible for merit raises or promotions. However, participation in the promotion process will be allowed. While on disciplinary probation, personnel will not be permitted to attend off-site training unless approved by the Colonel, Chief Deputy or Sheriff.

Training as a Function of Discipline - All supervisory personnel should consider using training as a function of discipline in which additional training is offered in lieu of traditional disciplinary sanctions. Training provides a means for improving employee productivity and effectiveness. Many problem areas experienced by supervisors in relation to subordinate performance can be improved with innovative training rather than traditional punitive actions. The "training as a function of discipline" option should be used in cases where the violation is a procedural issue in which the employee will benefit from the training session. This training may be coordinated with the shift field training officer, shift supervisor or Training Division. This training must be documented with a copy forwarded to OPST. Off-site training must be approved through the chain of command.

Counseling as a Function of Discipline - The counseling role of a supervisor encompasses a variety of functions from instruction to advice. It usually takes place between the employee and his immediate supervisor for minor infractions of established policies and procedures. The formal "counseling as discipline" session has the purpose of dealing with an identified problem and may be considered as on the spot corrections. A counseling session may be utilized when the violation is of a minor nature or if the employee has no repetitive disciplinary problems. The supervisor should make written documentation of the counseling session.

Punitive Action in the Interest of Discipline - Employees may be disciplined according to the Disciplinary Matrix which shows classes of offenses, frequency of offenses and punishment ranges. Upon a sustained decision, as a result of a disciplinary hearing, the Sheriff may use the Disciplinary Matrix. The Disciplinary Matrix and examples of violations are listed below.

Disciplinary Matrix

| Class | 1st Offense | 2nd Offense | 3rd Offense | 4th Offense |
|----------|--|--|---|--|
| A | Suspension without Pay (2 days to Termination) | Suspension without Pay (4 days to Termination) | Suspension without Pay (10 days to Termination) | Termination |
| B | Written Reprimand - Termination | Suspension without Pay (1 day to Termination) | Suspension without Pay (2 days to Termination) | Suspension without Pay (4 days to Termination) |
| C | Counseling Session to Written Reprimand | Counseling Session to Suspension without Pay (1 day) | Suspension without Pay (2 days) | Suspension without Pay (4 days) |

Examples of Violations

| <u>A CLASS</u> | <u>B CLASS</u> | <u>C CLASS</u> |
|---|---|--|
| <ul style="list-style-type: none"> • Substance Abuse • Alcohol Use on Duty or While in Uniform • Illegal Possession of Controlled Substances • Bribery • Conversion of Detainee's Property • Conviction of Any Felony or of Any Misdemeanor Involving Moral Turpitude • Immoral Conduct • Lying • Falsifying Document • Use of Excessive Force • Refusal to Testify • Clandestine Tape Recording of Employee Conversations or Other Unauthorized Taping | <ul style="list-style-type: none"> • Illicit Sexual Relations • Escape of Detainee through Willful Negligence of Duty • Insubordination • Non-Compliance with a Lawful Order • Negligent Use of Firearm • Unauthorized Political Activity • Unauthorized Secondary Employment • Solicitation or Acceptance of Gratuities • Negligent Supervision • Discourteous Conduct • Failure to Report for Duty (AWOL) • Failure to Respond to a Dispatched Call • Conduct Unbecoming an Employee | <ul style="list-style-type: none"> • Tardiness • Sleeping on Duty • Leaving Assigned Area without Permission • Negligent Use of Property • Improper Radio Usage • Minor Unprofessional Conduct |

Types of Disciplinary Action

Written Reprimand - Is more serious than the counseling session, and the written reprimand will be documented on a Disciplinary Report.

Suspension with Pay - When the employee is alleged to have committed a serious violation that the supervisor feels the employee should be relieved of duty until such time as the Chief Deputy or Colonel can apprise the Sheriff of the incident. This is technically not a disciplinary punitive action, but is included here for clarification purposes only.

Suspension without Pay - Supervisors may recommend summary punishment which may not exceed 2 days and can be imposed at the Lieutenants level. These suspensions will be immediately reviewed by the Division or Bureau Commander. Employees can affirmatively appeal these suspensions to the Sheriff.

Demotion - Where the employee is reduced in rank/grade and salary.

Termination - Where the employee's working relationship, to include wages, salary, benefits, association, etc., has been severed as a result of employee misconduct.

Loudermill(Pre-Termination) Hearing- May be conducted on employees that are not on new-hire or disciplinary probation for allegations of serious misconduct. The purpose of this hearing is to provide the employee with an opportunity to offer exculpatory evidence as to why a termination should not occur. Loudermill hearings are authorized by the Sheriff and administered by the Colonel or Chief Deputy. As a result of the Loudermill hearing, the employee may be terminated with the option to request an appeal of their termination to the Sheriff's Merit Board. All processes involved with the Sheriff's Merit Board can be found in the Charter Sections 1-108 through 1-117.